

JUN 02 2005

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FACSIMILE COVER LETTER

To: Commissioner for Patents
Examiner Kevin Kim

Firm: U.S. Patent and Trademark Office
Art Unit 2634

Facsimile: (703) 872-9306

From: Thomas F. Presson

Date: June 2, 2005

Re: FLH Ref No.: 450118-02282
Serial No: 09/869,897

Number of Pages: 17
(including cover page)

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00287188

PATENT
450118-02282

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Atsushi Inomata, et al.
 Serial No. : 09/869,897
 Filed : October 15, 2001
 For : ERROR RATE ESTIMATING DEVICE, METHOD, AND INFORMATION RECORDING MEDIUM (as amended)
 Examiner : Kim, Kevin
 Art Unit : 2634

745 Fifth Avenue
New York, NY 10151
Tel: 212-588-0800

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.
 The fee has been calculated as shown below.
 This is an application of a small entity under 37 CFR 1.9(f), and the amounts shown in parentheses apply.

Claims as Amended

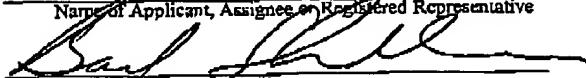
(1)	(2) Claims remaining after amendment	(3)	(4) Highest number previously paid for	(5) Present extra	(6) Rate	(7) Additional Fee
Total claims	22	Minus	** =22	* 2 x	\$0 (9)	= \$0
Independent claims	9	Minus	*** =9	* 6 x	\$0 (44)	= \$0
Total additional fee for this amendment						\$0

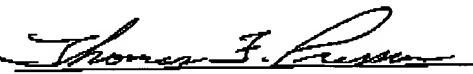
- * If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.
- ** If the highest number of total claims previously paid for is less than 20, write "20" in this space.
- *** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.
- This application contains a multiple dependent claim. The required fee of \$300 (150) has been previously paid , or is paid herewith .
- This response is being filed within the _____ month following the expiration of the term originally set therefor. This is a petition to request a _____ month extension of time. A check covering the cost of the petition is enclosed.
- A check in the amount of \$ _____ is attached, which covers the cost of additional claims _____ petition for extension of time.
- Charge \$ _____ to Deposit Account No. 50-0320.
- Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.

I hereby certify that this correspondence is being submitted via facsimile transmittal addressed to the Commissioner of Patents and Trademarks on June 2, 2005.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

Name of Applicant, Assignee or Registered Representative

 Signature
 June 2, 2005
 Date of Signature

By: 
 Thomas F. Presson
 Reg. No. 41,442

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PATENT
450118-02282IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Atsushi Inomata, et al.
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 For : Error Rate Estimating Device, Method, and Information Recording Medium (as amended)
 Examiner : Kim, Kevin
 Art Unit : 2634
 Confirmation No. : 1251

745 Fifth Avenue
New York, NY 10151

I hereby certify that this correspondence is being transmitted via facsimile to 703-872-9306 on June 2, 2005	
<u>Barnet Shindlman</u> (Name of person signing transmittal)	
	
Signature	
June 2, 2005	
Date of Signature	

AMENDMENT UNDER 37 C.F.R. § 1.121

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed on March 10, 2005, having a three-month statutory period for response set to expire on June 10, 2005, please amend the above-identified application as follows.

PATENT
450118-02282

Amendments to the Specification begin on page 3 of this paper.

**Amendments to the Claims are reflected in the listing of claims which begins on
page 4 of this paper.**

Remarks/Arguments begin on page 14 of this paper.